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COMMITTEE ON THE PEACEFUL USES OF OUTER SPACE

LEGAL SUBCOMMITTEE

Thirty-third session

SUMMARY RECORD OF THE 572nd MEETING

Held at the Vienna International Centre, Vienna,
on Monday, 21 March 1994, at 3 p.m.

Chairman: Mr. MIKULKA (Czech Republic)

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Matters relating to the definition and delimitation of outer space and to the character and utilization of the geostationary orbit, including consideration of ways and means to ensure the rational and equitable use of the geostationary orbit without prejudice to the role of the International Telecommunication Union

The meeting was called to order at 3.20 p.m.

OPENING OF THE SESSION

1. The CHAIRMAN noted that since the Committee's past session, major changes had taken place in the world, many of which had had a direct impact on space activities. The United Nations system had likewise undergone numerous changes: as part of the overall restructuring of the Secretariat, the Office for Outer Space Affairs had been transferred to Vienna in October 1993. It was to be responsible for providing secretariat services for the Subcommittee, a function that had previously been performed by the Office of Legal Affairs, under the direction of the Subcommittee's Secretary, Mr. Basnayake. He thanked Mr. Basnayake for his many years of competent and devoted service and expressed the conviction that under the new Secretary, Mr. Jasentuliyana, the Subcommittee would continue to receive efficient support.

PARTICIPATION BY NON-MEMBER STATES

2. The CHAIRMAN said that Algeria, Cuba, Israel, Peru, Portugal, the Republic of Korea, South Africa, Turkey and Yemen had applied to participate in the work of the Subcommittee, and recalled that it was within the authority of the Committee on the Peaceful Uses of Outer Space to grant observer status. He suggested that the Subcommittee should not adopt a formal decision in that regard but that, if there was no objection, the representatives of those countries should attend its formal meetings and, in the event they wished to make a statement, should seek permission from the Chair.

3. It was so decided.

ADOPTION OF THE AGENDA (A/AC.105/C.2/L.194)

4. The CHAIRMAN drew the Subcommittee's attention to paragraphs 4 (a), (b) and (c) of General Assembly resolution 48/39 of 10 December 1993, entitled "International cooperation in the peaceful uses of outer space", which contained recommendations by the General Assembly relating to the current session, and said that, if there was no objection, he would take it that the Subcommittee wished to adopt the provisional agenda (A/AC.105/C.2/L.194) prepared by the Secretariat on the basis of that General Assembly resolution.

5. It was so decided.

ORGANIZATION OF WORK

6. The CHAIRMAN recalled that 1994 was the tenth anniversary of the entry into force of the Agreement Governing the Activities of States on the Moon and Other Celestial Bodies. Under article 18 of the Agreement, the question of the review of the Agreement was to be included in the provisional agenda of the General Assembly in order to consider, in the light of past application of the Agreement, whether it required revision. Under Principle 11 of the Principles Relevant to the Use of Nuclear Power Sources in Outer Space,

adopted by the General Assembly in its resolution 47/68 of 14 December 1992, those Principles had to be reopened for revision by the Committee on the Peaceful Uses of Outer Space no later than two years after their adoption. The Subcommittee might wish to make its views on those two matters known in its report to the Committee on the Peaceful Uses of Outer Space.

7. In accordance with the General Assembly's recommendations, open-ended working groups of the Subcommittee must be established on item 3 (nuclear power sources), item 4 (definition of outer space and the utilization of the geostationary orbit) and item 5 (benefits of outer space). Accordingly, he suggested that the three working groups on those agenda items should be re-established.

8. It was so decided.

9. The CHAIRMAN said that Mr. Helmut Freudenschuss, of Austria, who had chaired the Working Group on Nuclear Power Sources at the previous session, was not available for the current year. He suggested that Mr. Franz Cede, also of Austria, should be appointed Chairman of the Working Group.

10. It was so decided.

11. The CHAIRMAN said that, if there was no objection, he would take it that the Subcommittee wished to re-elect Mr. Estanislao Zawels, of Argentina, as Chairman of the Working Group on the Definition and Delimitation of Outer Space and the Utilization of the Geostationary Orbit.

12. It was so decided.

13. The CHAIRMAN said that, if there was no objection, he would take it that the Subcommittee wished to re-elect Mr. Raimundo González, of Chile, as Chairman of the Working Group on the Benefits of Outer Space.

14. It was so decided.

SCHEDULE OF MEETINGS AND UTILIZATION OF CONFERENCE SERVICES (A/AC.105/C.2/L.194)

15. The CHAIRMAN drew attention to the provisional schedule of meetings set out in document A/AC.105/C.2/L.194. The utilization of conference services was of great concern to the General Assembly due to the high cost of such services and the current financial constraints faced by the Organization. For a number of years, the Subcommittee had maintained the required efficiency in that area. It had done so owing to the adoption by consensus of various measures outlined in paragraph 13 of its report (A/AC.105/544).

16. The Subcommittee had agreed that an organization of work similar to that adopted at its thirty-second session should serve as a basis for organizing the work of its thirty-third session (A/AC.105/544, para. 15), and that agreement had been endorsed by the Committee on the Peaceful Uses of Outer Space at its June 1993 session. The Subcommittee had further agreed that, at its session in 1994, if the time provisionally allocated for the consideration

of an item was not fully used or was unlikely to be fully used, it should seek, on the basis of consensus, to use the time for the consideration of other items, or envisage the possibility of concluding the session ahead of the scheduled date. That agreement was reflected in paragraph 18 of the Subcommittee's report (A/AC.105/544). The Committee on the Peaceful Uses of Outer Space had reiterated its recommendation (A/48/20, para. 131) that the Legal Subcommittee, on a permanent basis, should rotate the order of consideration of substantive agenda items. The General Assembly had endorsed the recommendations and agreements concerning the organization of work for the Legal Subcommittee (General Assembly resolution 48/39, para. 6). Accordingly, he suggested that several arrangements similar to those adopted at earlier sessions should be employed at the current session. Having outlined those measures, as contained in document A/AC.105/544, paragraph 13, he further proposed that six formal afternoon meetings should not be scheduled and that, instead, an equal number of informal consultations should be planned. In addition, he noted that the measures outlined in document A/AC.105/544 provided for the possibility of the Subcommittee's concluding its session ahead of time. He believed it would be premature to take a decision on that matter now, and suggested it be examined at a later stage.

17. The adoption of the entire set of measures he had just outlined would, in his view, contribute greatly towards ensuring the optimum efficiency of the Subcommittee's work.

18. Mr. McRAE (Canada) said he had no objection to the proposed measures but wished to re-emphasize the importance of using flexibility in allocating time for consideration of items - an idea set out in paragraph 18 of the Subcommittee's report (A/AC.105/544). The transformation of numerous formal meetings into informal ones would not be productive if it merely delayed the Subcommittee's completion of the tasks on its agenda. The Chairman's remarks about the possibility of concluding the Subcommittee's session in advance, should be kept in mind as well. The Subcommittee should aim to conclude its session earlier than scheduled. He would not move for revision of the proposed schedule of meetings, but wished his comments to be taken into account as the session progressed.

19. Mr. REY CORDOBA (Colombia) said he endorsed the remarks just made: the Subcommittee should indeed take the ideas set out in paragraph 18 of its report duly into account. He agreed with the Chairman that the Subcommittee should consider the possibility of ending its current session before the scheduled date. That possibility could be kept in mind as the Subcommittee progressed with its work. Any decision to reduce the duration of the current session should not create a precedent for the duration of future sessions, since there might be cases when a full three-week session would be needed. In future, however, it would be advisable not to schedule meetings over holiday periods. Finally, he endorsed the Canadian delegation's comments to the effect that informal consultations should not be scheduled to the detriment of the Subcommittee's formal deliberations. He did believe, nevertheless, that where they were needed to advance the analysis of certain topics, informal meetings should be held.

20. Mr. de YTURRIAGA (Spain) said he shared the concerns expressed by previous speakers. The Committee's headquarters had only recently been transferred to Vienna, so the rhythm of the Subcommittee's work had been broken, and it might indeed be possible to complete its tasks at the current session in less than the scheduled three weeks. That should not, however, establish a precedent for future sessions. The schedule of work should be adjusted, possibly with a view to completing the session by 31 March 1994.

21. As for the informal consultations, he agreed that they should be held only when they appeared to be necessary to advance the Subcommittee's work on a given item, but he was not in favour of dispensing with them. His main concern was that they would not be serviced by interpreters.

22. The CHAIRMAN recalled that all the measures proposed in the Subcommittee's report had been approved by consensus in the Subcommittee and in the Committee on the Peaceful Uses of Outer Space. It would not be productive to reopen debate on that whole series of measures. He agreed with the representative of Canada that consideration should be given to how best to schedule informal consultations, but he would advise against cancelling such consultations. Through close coordination with the Chairmen of the Working Groups, it should be possible to strike an appropriate balance between informal and formal meetings of the Subcommittee.

23. In response to a question by Mrs. BATACLAN (Philippines), he drew attention to the provisional schedule of meetings (A/AC.105/C.2/L.194, annex) which indicated that, of the 12 afternoon meetings remaining to the Subcommittee, six were to be allocated for informal consultations.

24. Mr. TELLES RIBEIRO (Brazil) endorsed the proposed working arrangements outlined by the Chairman; he was certain that with the necessary flexibility and regular consultations with the Chairmen of the Working Groups the Subcommittee could complete its work successfully. Furthermore, while he appreciated the remarks by the delegates of Canada and Colombia, he underlined the very productive results of informal consultations in the past.

25. Mr. AYEWAH (Nigeria) considered the remarks by the Canadian and Colombian delegates very pertinent. He did not wish to call into question the value of informal consultations, but since the last four meeting days were mainly set aside for the adoption of the report, with the necessary effort it should be possible for the Committee to complete its work by 31 March. However, such proposals should not prejudice the duration of future sessions of the Legal Subcommittee.

26. Mr. MARÍA CURIA (Argentina) agreed on the need for flexibility and recognized the importance of informal consultations. However, as borne out by the proceedings of the previous session, further and new input from the countries concerned was clearly required in order to make headway on the last agenda item.

27. Mr. GONDANE (India) said that informal consultations were certainly necessary and produced speedy results. However, for a variety of practical reasons he agreed with previous speakers that it would be preferable for the current session to conclude its work by 31 March.

28. The CHAIRMAN said he took it that the Subcommittee wished to accept his proposals and adopt the schedule of meetings contained in document A/AC.105/C.2/L.194 on the understanding that such arrangements were flexible and subject to further consideration in due course.

29. It was so decided.

GENERAL EXCHANGE OF VIEWS

30. Mr. BYEHLY (Ukraine) said that, as a newly independent State, Ukraine attached great importance to all forms of international cooperation and in particular to the use of outer space for peaceful purposes. Ukraine's national space programme reflected its efforts to pursue a policy of peace and ensure the demilitarization of outer space. Despite the difficult economic situation in the country, the Government had managed to maintain its space research and application capabilities, most of which, for historical reasons, had been geared towards design and production of some of the most technologically advanced strategic missiles for the former Soviet army. The satellites used in the international programme "Intercosmos", as well as a variety of equipment for the "Salyut" and "Mir" programmes, had been manufactured in Ukraine.

31. The activities of the Ukrainian national space programme for 1993-1997 centred around observation of the Earth from space, the improvement of space transport systems, including the launching vehicle "Zenit", and the building of ground infrastructure.

32. In accordance with the recommendations of the Second United Nations Conference on the Exploration and Peaceful Uses of Outer Space, appropriate activities were under way at two space research centres in Kharkov and Dnepropetrovsk; the Ukrainian space centre for research and international cooperation had been set up in Kiev and an aerospace faculty had also been opened at a Kiev polytechnic.

33. Notwithstanding its economic problems, Ukraine had honoured its various commitments under the intergovernmental space programme of the Commonwealth of Independent States relating, inter alia, to "Baikonur", the space ship "Soyuz-TM" and the Russian satellite "Meteor". It also had other projects in mind for which the cooperation of other States would be welcome. For instance the launching vehicle "Zenit", despite its advanced technological characteristics, was designed to cause minimum harm to the environment. For those reasons it could be used in conjunction with the geostationary communications satellite "Libid" which, although originally developed by Ukraine for domestic purposes, would undoubtedly be of interest to other countries for broadcasting purposes: it could serve a territory as large as Central Africa, ensuring its communications with Europe, Asia and America. Such a satellite might be purchased by a group of countries or perhaps even be operated under an international programme to assist developing countries.

In any case, Ukraine was ready to cooperate in the area by launching space vehicles with devices such as "Zenit" and using strategic missiles dismantled from military installations to launch commercial loads. It would also be interested in a joint project for the design of launching vehicles or supply of launching vehicle systems. Further research into other possible uses of "Zenit" would be welcome. However, the cost of such research could not be borne by Ukraine alone.

34. Ukraine had gained valuable experience in remote sensing of the Earth from space in many years of activities using state-of-the-art technology under the "Sich" project. In view of the important work being carried out by the Committee on the Peaceful Uses of Outer Space on remote sensing, which was of particular interest to the developing countries, it might be useful to take advantage of the scientific expertise and facilities available in Ukraine for international projects to study, inter alia, the Earth's natural resources, climate change and the prevention of natural disasters. In order to resolve such problems, which concerned the whole of mankind, the pooling of skills and efforts was not only necessary but also economically advantageous. He therefore called upon all countries interested to pledge their cooperation along those lines.

MATTERS RELATING TO THE DEFINITION AND DELIMITATION OF OUTER SPACE AND TO THE CHARACTER AND UTILIZATION OF THE GEOSTATIONARY ORBIT, INCLUDING CONSIDERATION OF WAYS AND MEANS TO ENSURE THE RATIONAL AND EQUITABLE USE OF THE GEOSTATIONARY ORBIT WITHOUT PREJUDICE TO THE ROLE OF THE INTERNATIONAL TELECOMMUNICATION UNION (agenda item 4) (A/AC.105/404, 544 and 571; A/48/20)

35. The CHAIRMAN drew attention to the report of the Legal Subcommittee on its thirty-second session (A/AC.105/544), in particular to chapter II and annex II.

36. The work of the Legal Subcommittee on the definition of outer space and on the geostationary orbit had been reviewed by its parent body, the Committee on the Peaceful Uses of Outer Space, at its June 1993 session. The Committee's report was contained in document A/48/20.

37. The question of the examination of the physical nature and technical attributes of the geostationary orbit had been considered by the Scientific and Technical Subcommittee at its recent session in February/March 1994. The Subcommittee's report was contained in document A/AC.105/571. In paragraph 86 of that report, the Scientific and Technical Subcommittee had requested that the study prepared by the Secretariat on the physical nature and technical attributes of the geostationary orbit (document A/AC.105/404) be brought to the attention of the Legal Subcommittee, and the Secretariat would therefore distribute copies of the relevant document to all delegations.

38. In resolution 48/39, the General Assembly had recommended that at its present session the Legal Subcommittee, taking into account the concerns of all countries, particularly those of developing countries, should continue its consideration of the item through the relevant working group.

The meeting rose at 4.50 p.m.